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October 24, 2023

BY ECF

Honorable Joan M. Azrack
United States District Judge
Eastern District of New York
United States Courthouse
Central Islip, New York 11722

Re: USA v. Arevalo-Chavez, et al., 22-CR-429 (JMA)
Unopposed Request to Reschedule Status Conference

Dear Judge Azrack:

For the reasons set forth below, I respectfully write on behalf of Walter defendants Yovani Hernandez-Rivera and Vladimir Antonio Arevalo-Chavez to confirm our request that the next status conference, in this case, be scheduled for December 18, 2023, and, that the Court enter an Order of Excludable Delay be entered for the time period from October 19, 2023, to December 18, 2023.¹

The 42-page Indictment in this case was filed and unsealed on February 23, 2023, and Arraignments were held on March 15, 2023. The Indictment charges the defendants with various offenses, including racketeering and at least one death-eligible offense.² On August 30, 2023, the government filed a Rule 16 letter that, consistent with the complex charges contained in the case, outlined a vast amount of discovery material. The material included but is hardly limited to, 81643 pdf documents and 11 Gigabytes of audio recordings.

As a result, all defense counsel agree that it will take several months to review the material and that a status conference will not be necessary for some time. We have discussed convenient dates with the government and have agreed to request that the next status conference be held on December 18, 2023. By this date, we hope to have a realistic estimate of how much longer the review process may take.

Should the Court grant this application, the parties also jointly request that the Court enter an order of excludable delay for the period from October 19, 2023, to December 18,

¹ The Court has already entered such an order on behalf of co-defendants Marlon Antonio Menjivar-Portillo and Jose Wilfredo Ayala-Alcantara (see docket entry order dated 10/17/2023)

² Thus far, Marlon Antonio Menjivar-Portillo is the only defendant currently charged with a death-eligible offense.

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2023, in the interest of justice pursuant to the relevant provisions of the speedy trial act ((3161(h)(7)(A) and (B)(ii)).

I have discussed this request with the attorney for the government, John Joseph Durham, and was advised that the government does not object and agrees that an order of excludable delay should be entered so that they can have sufficient time to review the discovery material in the case, without which they would be unable to provide their individual clients with the effective assistance of counsel.

Thank you very much for your consideration in this matter.

Respectfully submitted,

Steve Zissou, Esq.

SZ/jc

cc: all parties by ecf